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Before the
FEDERAL COMMUNICATIONS COMMISSION FEB 03 1995
Washington, D.C. 20554

FCC MAIL ROOM

In the Matter of)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Willows, California))

MM Docket No. 94-126
RM-8531

DOCKET FILE COPY ORIGINAL

To: Chief, Policy and Rules Division
Mass Media Bureau

COMMENTS

KIQS, Inc., licensee of KIQS (AM), Willows, California, Petitioner in the above-captioned matter, hereby respectfully submits the following comments.

1. On August 30, 1994, Petitioner submitted its Petition for Rule Making to amend the FM Table of Allotments, Section 73.202(b) of the Commissions' rules for the purposes of allocating Channel 292A to Willows, California.

2. On November 14, 1994, the Commission released its Notice of Proposed Rule Making, having found that such an allocation would serve the public interest.

3. The deadline for Comments was set at January 5, 1995. On December 14, 1994, fully twenty two days prior to the deadline for the submission of Comments, Petitioner did respond to the NPRM thereby reiterating its continued interest in the proposed allocation and reaffirming its intention to apply for the construction permit and build if the allocation was approved.

4. Petitioner received a copy of Comments in Opposition to the NPRM filed by Royce International Broadcasting Company.

The attorney representing Royce certified that the copy of the opposing comments were served on petitioner January 5, 1995, said copy was received when torrential rains flooded Willows, the Sacramento Valley, and our transmitter site. During this time, when our area was designated a Federal and State disaster area, we were doing everything in our power to stay on the air and provide much needed information to our area residents.

5. Petitioner originally felt no compulsion to file reply comments inasmuch as Petitioner's engineering findings were in compliance with long-held FCC practice. In Petitioner's original Petition for Rule-Making, it was clearly shown that minimum spacing requirements as required by section 73.207 as computed by the methods outlined in section 73.208 (c) of the Commissions's Rules were completely met (see original Engineering Statement, Page 2, section 1V), and that the proposed facility was fully consistent with the Commission's long-standing policy regarding substantial compliance with Section 73.315 (a) (see Engineering Statement, Page 1, Section II and Exhibit E-2).

6. Besides not feeling a need to file a Reply to the Opposing Comments due to their basically flawed nature, had Petitioner subsequently felt a need to respond to the Opposition Comments filed by Royce International, it would have been very difficult to do so for the reasons stated above.

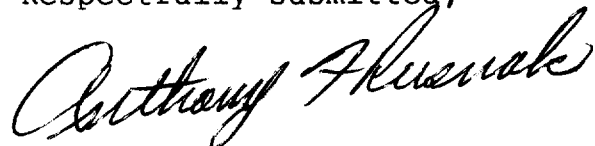
7. On January 25, 1995 PEtitioner received a copy of Reply Comments that purported to correct engineering information provided by Royce International in its earlier Opposition Comments and making further erroneous claims as to Petitioner's Comments.

8. Petitioner can no longer ignore Royce International's abuse

of FCC procedures to its own ends. Petitioner hereby challenges the claims made by Royce International as being incorrect, inapplicable, and inconsistent with long-standing Commission policy. Petitioner also hereby protests the untimely manner in which it was served with Comments by Royce International.

Therefore, Petitioner hereby requests the the Reply Comments of Royce International Broadcasting Company in this matter be rejected.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anthony F. Rusnak".

Anthony F. Rusnak, President
KIQS, Inc.
118 West Sycamore Street
Willows, Ca. 95988
(916) 934-4654

January 31, 1995

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Comments was served by first-class United States mail, postage prepaid, on this 31st. day of January, 1995, upon the following:

Dennis J. Kelly
Cordon and Kelly
P.O. Box 6648
Annapolis, MD 21401